IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

Mat.Appeal.No. 71 of 2007()

OP(DIV) NO.527/99 ON THE FILE OF THE FAMILY COURT, KOTTAYAM AT ETTUMANOOR.

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PETITIONER: APPELLANT/RESPONDENT

MARRIATE @ SAJEENA W/O THOMAS MATHEW,
AGED 37 YEARS, NADUTHOTTIYIL HOUSE,
THEEKKOY VILLAGE, THEEKKOY KARA, MEENACHI TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.A.P.SUBHASH

RESPONDENTS: PETITIONER

DR.THOMAS MATHEW, S/O.T.E.MATHEW,
MEDICAL PRACTITIONER AGED 40 YEARS,
THEKKEL HOUSE, THOTTAKADU VILLAGE,
THOTTAKKADU KARA, CHANGANACHERRY TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.C.S.MANILAL
SRI.KARJET KODUVATH

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 10/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

Mat.Appeal No.71 of 2007

Dated 10th April, 2007.

J U D G M E N T

Sankaran, J.

The respondent in the appeal filed O.P.(Div) No.527/99 before the Family Court, Kottayam at Ettumanoor under Section 10 of the Indian Divorce Act. The Family Court allowed the O.P. and granted a decree dissolving the marriage between the appellant and the respondent. The respondent in the O.P. has filed this Appeal challenging the order passed by the Family Court.

2. I.A.No.574/07 is filed jointly by the appellant and the respondent under Section 10A of the Indian Divorce Act seeking divorce by mutual consent. It is stated in the application that they are living separately since June, 1997 and that there is no communication or conjugal relationship between them. It is also stated that on account of the incompatibility of temperament, the marital relationship has irretrievably broken down and there are no chances for revival of the relationship. We are satisfied that the grounds stated in the application under Section 10A of the Indian Divorce Act are genuine and real and

that there is no collusion between the parties. Accordingly, we are inclined to allow I.A.575/07 to waive the statutory period of six months.

3. In the result, the application, I.A.574/07 is allowed and the marriage between the petitioner and the respondent is dissolved by a decree of dissolution by mutual consent, under Section 10A of the Indian Divorce Act. The order passed by the Family Court is set aside.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

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KURIAN JOSEPH & K.T.SANKARAN, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 8th March, 2007.

KURIAN JOSEPH & K.T.SANKARAN, JJ.

L.A.A.No. of 2003

Dated 21st March, 2007.

J U D G M E N T

Kurian Joseph, J.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

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KURIAN JOSEPH & K.T.SANKARAN, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 10th April, 2007.